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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,612	05/25/2000	Georgia Hilton	WWA-102	7248
41345	7590	04/17/2008		
Mark Levy HINMAN, HOWARD & KATTELL, LLP 80 Exchange Street P.O. Box 5250 BINGHAMTON, NY 13901			EXAMINER  MEL XU	
			ART UNIT	PAPER NUMBER
			2615	
			MAIL DATE	DELIVERY MODE
			04/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/578,612

**Applicant(s)**

HILTON, GEORGIA

**Examiner**

Xu Mei

**Art Unit**

2615

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27,31-33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,31-33 and 35-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the applicant's pre-appeal brief request dated 09/18/2006 and pre-appeal brief conference decision dated 01/24/2008.

#### ***Response to Arguments***

2. Applicant's arguments, see Pre-Appeal Brief Request, filed 09/18/2006, with respect to the rejection(s) of claim(s) 27, 31-33 and 35-38 under Lord in view of Matsushighe have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as follow.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 31-33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushighe (US-5,487,067).

Regarding claim 27, 31, 33 and 36, Matsushighe (Figs. 13-17, col. 23, line 21- col. 25, line 25) discloses a plurality of typical audio/video studio (example of Fig. 17 shows having 4 studios) that including different rooms (i.e., audio spaces such as

sound room shows in Fig. 13). A plurality of audio spaces of the plurality of studio specifically adapted for at least listening to a reproduced sound, each of said plurality of audio spaces being adapted to accommodate a listener and comprising means for selectively electrically connecting (links) one of said plurality of audio spaces to at least one other thereof, said acoustical enclosures each comprising respectively, substantially identical means for reproducing sound (each of the studio is having substantially identical components as shown in Fig. 16 for processing and producing sound by speakers 49) comprising an audio mixing console (mixer 5) to a corresponding audio mixing console in each other for reproducing sound in each of said other enclosures in respective ones of said connected audio spaces, whereby a listener accommodated in any of said plurality of enclosures so connected receives a listening experience to that of a listener accommodated in any other one of said connected enclosures when a substantially identical audio signal transmitted across said means for selectively electrically connecting said audio spaces is substantially simultaneously applied to each of said means for reproducing sound. What's not specifically mentioned by Matsushige is that the audio space or studios are substantially acoustically identical enclosures.

Since Matsushige discloses the typical audio/video studio that is having substantially identical means at each studio for processing and producing audio output, it would have been obvious to one of ordinary skill in the art to provide audio space or studios that are substantially acoustically identical enclosures in order to generate substantially identical or uniform audio output to each of the different studios or audio

spaces or enclosures to enable user(s) at each of the studios to enjoy substantially identical high fidelity audio output with substantial identical audio mixing process by the plurality of studios.

For what's called for in claim 35, see col. 25, lines 19-45.

Regarding claim 32, Matsushighe discloses everything claimed as applied above (see claim 31), and also shows the electrical link as a ring network, which constitute as a wide area matrix network, and Matsushighe also discloses the data transfer via the Ethernet.

Regarding claims 37-38, Matsushighe discloses in Figs. 9-11 that including synchronizing the events in one audio space with another. Furthermore, synchronizing audio events with other events, such as video was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Matsushighe by implementing synchronization the audio events with other events such as video for the purpose of enabling synchronized real-time editing and control of both the audio and video effects at each of the substantially identical audio or video production studios.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/  
Primary Examiner, Art Unit 2615  
04/08/2008